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Attorneys for Defendant Wyeth Pharmaceuticals,
a Division of Wyeth, Walter Wardrop, and
Michael McDermott

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HOWARD HENRY,

Plaintiff,

v.

WYETH PHARMACEUTICALS, INC., WALTER
WARDROP, ANDREW SCHASCHL, and
MICHAEL McDERMOTT,

Defendants.

05-CV-8106 (WCC)

**NOTICE OF DEFENDANTS'
MOTION IN LIMINE NO. 4**

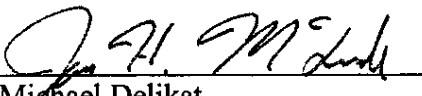
PLEASE TAKE NOTICE that upon the attached Declaration of James H. McQuade, dated December 19, 2007, the accompanying Defendants' Memorandum of Law in Support of their Motion in Limine No. 4 to Preclude Plaintiff From Offering Testimony by Affidavit or Deposition in His Case in Chief Unless Authorized by Rule and all prior pleadings and proceedings herein, Defendants Wyeth Pharmaceuticals, a Division of Wyeth, Michael McDermott, and Walter Wardrop ("Defendants") will move this Court, before the Honorable William C. Conner, United States District Judge for the Southern District of New York, at the United States Courthouse, 300 Quarropas St., Room 630, White Plains, New York, at a date and time convenient for the Court, for an order granting Defendants' Motion in Limine No. 4 precluding Plaintiff Howard Henry from offering in his case in chief at trial testimony of

witnesses by affidavit, declaration or deposition except to the extent the offering of such evidence is authorized by specific provisions of Rule 32 of the Federal Rules of Civil Procedure and Rules 801, 802, 803 and 804 of the Federal Rules of Evidence.

Dated: New York, New York
December 19, 2007

Respectfully submitted,

ORRICK, HERRINGTON & SUTCLIFFE LLP

By: 
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